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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, ROBERT T

ART UNIT

PAPER NUMBER

2611

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/330,792

Applicant(s)

KNUDSON ET AL.

Examiner

Robert T Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-85, 127-168, 210-252 and 254 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 43-85, 127-168, 210-252 and 254 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

1. Applicant's election without traverse of claims 43-85, 127-168, 210-252, and 254 in Paper No. 6 is acknowledged.

Claims 1-42, 86-126, 169-209, and 253 are withdrawn from further consideration on the merits as non-elected claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 43-59, 62, 64, 71-72, 74-77, 254, 127-142, 145, 147, 154-155, 157-160, 210-226, 229, 231, 238-239, 241-244 are rejected under 35 U.S.C. 102(e) as being anticipated by Lawler U.S. Patent 5,805,763.

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Regarding claims 43, 127, 210, Lawler discloses an apparatus, and method, wherein:

A TV distribution facility configured to provide TV programs is shown in Figure 1 (12), and described in column 3, lines 28-34;

A user TV equipment receives programs from the distribution facility is shown in Figure 1 (16), and described in column 3, lines 28-34;

“means for allowing a user to select” is described in column 12, lines 35-43;

“means for automatically recording” is described in column 12, lines 65-67, and column 13, lines 1-16.

Regarding claims 44, 128, 211, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for recording using user TV equipment is shown in Figure 2 (65, 23), and described in column 6, lines 29-33, and column 13, lines 23-26.

Regarding claims 45, 129, 212, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for recording on a server is described in column 13, lines 27-32.

Regarding claims 46, 130, 213, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein the distribution facility is shown in Figure 1 (12), and described in column 3, lines 28-34.

Regarding claims 47, 214, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein the distribution facility comprises an IPG server is shown in Figure 1 (34), and described in column 4, lines 36-37.

Regarding claims 48, 131, 215, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for selecting program is described in column 10, lines 16-29.

Regarding claims 49-50, 132-133, 216-217, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying a remind/record screen is shown in Figure 6 (130, 140), and described in column 11, lines 24-28.

Regarding claims 51, 134, 218, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying a recording options screen is shown in Figure 9, and described in column 12, lines 29-43.

Regarding claims 52, 135, 219, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying a recording options screen when the user selects the TV program is shown in Figure 6, and described in column 11, lines 24-28.

Regarding claims 53, 136, 220, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying a recording options on the recording options screen is shown in Figure 9, and described in column 12, lines 29-43.

Regarding claims 55, 138, 222, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying an option to schedule a recording for a single episode of a series is shown in Figure 9 (144), and described in column 12, lines 35-38.

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Regarding claims 56, 139, 223, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying an option to schedule a recording for a given programs which are part of the series on specific channels on which the program is to be broadcast is shown in Figure 6, Figure 9, and described in column 11, lines 24-28, and column 12, lines 29-43.

Regarding claims 57, 140, 224, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying an option to schedule a recording for a given programs which are part of the series on all channels on which the program is to be broadcast is shown in Figure 6, Figure 9, and described in column 11, lines 24-28, and column 12, lines 29-43. By going through all channels in the guide where the program appears. The claimed means is provided by the guide, itself, ie, the guide displays the program on the channels that carry it.

Regarding claims 58, 141, 225, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying an option to schedule a recording for a given programs which are part of the series on specific days of the week on which the program is to be broadcast is shown in Figure 6, Figure 9, and described in column 11, lines 24-28, and column 12, lines 29-43 (go through the specific days of the week in the guide where the program appears).

Regarding claims 59, 142, 226, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying an option to schedule a recording for a given programs which are part of the series on all days of the

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week on which the program is to be broadcast is shown in Figure 6, Figure 9, and described in column 11, lines 24-28, and column 12, lines 29-43 (every day button).

Regarding claims 62, 145, 229, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying an option to schedule a recording for network broadcasts of given programs which are part of the series is shown in Figures 3, 6, and described in column 11, lines 24-28.

Regarding claims 64, 147, 231, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for displaying an option to schedule a recording for previously unrecorded broadcasts of given programs which are part of the series is shown in Figure 10, and described in column 13, lines 53-65 (recording a past program).

Regarding claims 71-72, 74-75, 154-155, 157-158, 238-239, 241-242, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein activation of the record button on the recording options screen (Figure 5), on the remind/record screen (Figure 6), or on program guide menu screen (also Figure 6), when the selected program already has a record tag will display a menu for deleting the record tag, as described in column 13, lines 49-52.

Regarding claims 76-77, 159-160, 243-244, Lawler discloses an interactive TV program guide (IPG) for use in series recording, as claimed, wherein means for deleting a single episode or an entire series scheduled recording is described in column 13, lines 49-52 (a record tag is associated with either a single episode or an entire series scheduled recording).

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Regarding claim 254, Lawler discloses an apparatus, and method, wherein:

"means for implementing" is described in column 3, lines 28-34;

"means for receiving" is described in column 7, lines 24-28;

"means for displaying" is described in column 7, lines 29-36;

"means for selecting" is described in column 8, lines 54-56 (the focus frame) and column 7, lines 6-9 (the action key);

"means for automatically determining" is described in column 12, lines 38-43;

"means for recording" is described in column 12, lines 35-43, lines 65-67, and column 13, lines 1-16.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 60-61, 78, 80-81, 144-145, 161, 163-164, 228-229, 245, 247-248 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Alexander U.S. Patent 6,177,931.

Regarding claims 60-61, 144-145, 228-229, Lawler discloses an apparatus, and method, as claimed.

Lawler does not disclose means for displaying an option to schedule a recording for first-run or rerun broadcast of given programs, which are part of the series.

Alexander discloses an interactive TV program guide (IPG) for use in series recording, wherein means for displaying an option to schedule a recording for first-run or rerun broadcast of given programs which are part of the series is described in column 11, lines 29-43. For first-run, turn on the rerun filter; and for rerun, turn off the rerun filter.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include displaying an option to schedule a recording for first-run or rerun broadcast, as disclosed by Alexander, to provide viewers with granular control over the recording.

Regarding claims 78, 161, 245, Lawler discloses an apparatus, and method, as claimed.

Lawler does not disclose means for displaying conflicting recording.

Alexander discloses an interactive TV program guide (IPG) for use in series recording, wherein means for displaying conflicting recording is described in column 12, lines 60-67.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include means for displaying conflicting recording, as disclosed by Alexander, to enable viewers to revise the recording list.

Regarding claims 80, 163, 247, Lawler discloses an apparatus, and method, as claimed.

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Lawler does not disclose means for allowing the user to resolve conflicts between scheduled recordings.

Alexander discloses an interactive TV program guide (IPG) for use in series recording, wherein means for allowing the user to resolve conflicts between scheduled recordings is described in column 13, lines 1-3.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include means for allowing the user to resolve conflicts between scheduled recordings, as disclosed by Alexander, to prevent the system running amok.

Regarding claims 81, 164, 248, Lawler discloses an apparatus, and method, as claimed.

Lawler does not disclose means for allowing the system to resolve conflicts between scheduled recordings.

Alexander discloses an interactive TV program guide (IPG) for use in series recording, wherein means for allowing the system to resolve conflicts between scheduled recordings is described in column 13, lines 9-13.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include means for allowing the system to resolve conflicts between scheduled recordings, as disclosed by Alexander, to enable the system to assist in automatic resolution of simple conflicts such as whether to record a one occurrence program in place of one episode of a series, as described by Alexander.

6. Claims 63, 146, 230 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Alten U.S. Patent 5,635,978.

Lawler discloses an apparatus, and method, as claimed, wherein broadcasts listings can be compiled according to category and personal preferences as described in column 7, lines 10-18.

Lawler does not disclose means for displaying an option to schedule a recording for syndicated broadcast of given programs which are part of the series.

Alten discloses an interactive TV program guide (IPG), wherein listings category comprises syndicated programs as described in column 5, lines 46-49.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include listings of syndicated programs, as disclosed by Alten, to enable viewers to quickly identify the channels and time slots of these programs without using paper guide, and to schedule recording at the user's convenience.

7. Claims 65, 148, 232 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Alexander, and further in view of Alten.

Lawler, in view of Alexander, discloses an apparatus, and method, as claimed, wherein displaying an option to schedule a recording for rerun and first-run is described in response to claims 60-61, 143-144, 227-228; displaying an option to schedule a recording for network broadcasts is described in response to claims 62, 145, 229;

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displaying an option to schedule a recording for previously unrecorded broadcasts is described in response to claims 64, 147, 231.

Lawler, in view of Alexander, does not disclose means for displaying an option to schedule a recording for syndicated broadcast of given programs which are part of the series.

Alten discloses an interactive TV program guide (IPG), wherein listings category comprises syndicated programs as described in column 5, lines 46-49.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include listings of syndicated programs, as disclosed by Alten, to enable viewers to quickly identify the channels and time slots of these programs without using paper guide, and to schedule recording at the user's convenience.

8. Claims 66-70, 73, 149-153, 156, 233-237, 240 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Young U.S. Patent 5,949,954.

Regarding claims 66-67, 149-150, 233-234, Lawler does not disclose means for displaying a view current recordings option, which the user selects to display a list of current scheduled recordings.

Young discloses means for displaying a view current recordings option, which the user selects to display a list of current scheduled recordings as described in column 11, lines 41-56. By using the Record Memo key on the remote controller, all recording activities shown in Figure 4 can be brought up on any screen.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include a Record Memo key on the remote controller, as disclosed by Young, to enable viewers to review and revise their current scheduled recording list, as needed.

Regarding claims 68, 151, 235, Lawler does not disclose means for displaying the view current recordings option on a recordings options screen.

Young discloses means for displaying the view current recordings option on a recordings options screen, as described in column 11, lines 41-56.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include a Record Memo key on the remote controller, as disclosed by Young, to enable viewers to review and revise their current scheduled recording list, as needed.

Regarding claims 69, 152, 236, Lawler does not disclose means for displaying the view current recordings option on a remind/record screen.

Young discloses means for displaying the view current recordings option on a remind/record screen, as described in column 11, lines 41-56.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include a Record Memo key on the remote controller, as disclosed by Young, to enable viewers to review and revise their current scheduled recording list, as needed.

Regarding claims 70, 153, 237, Lawler does not disclose means for displaying the view current recordings option on a program guide menu screen.

Young discloses means for displaying the view current recordings option on a program guide menu screen, as described in column 11, lines 41-56.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include a Record Memo key on the remote controller, as disclosed by Young, to enable viewers to review and revise their current scheduled recording list, as needed.

Regarding claims 73, 156, 240, Lawler does not disclose means for displaying a view current recordings screen comprises means for displaying a program update screen.

Young discloses means for displaying a view current recordings screen comprises means for displaying a program update screen, as shown in Figure 23, and described in column 5, lines 56-67, and column 6, lines 1-18.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include means for displaying a view current recordings screen comprises means for displaying a program update screen, as disclosed by Young, to enable a viewer to revise the recording list, to provide a visual confirmation to viewer's recording revision, and also, to provide a viewer with the latest schedule revision from broadcasters.

9. Claims 79, 162, 246 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Schein U.S. Patent 6,388,714, hereafter referred to as first Schein.

Lawler does not disclose means for not displaying conflict recordings if the system supports simultaneous recordings.

First Schein discloses an interactive TV program guide, wherein two programs can be set up for recording using two VCRs without displaying conflict recordings, as shown in Figure 8, and described in column 13, lines 35-40.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include an interactive TV program guide, wherein two programs can be set up for simultaneous recording using two VCRs without displaying conflict recordings, as disclosed by first Schein, to enable users to record two favorite programs simultaneously.

10. Claims 82-83, 165-166, 249-250 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Schein U.S. Patent 6,323,911, hereafter referred to as second Schein.

Regarding claims 82, 165, 249, Lawler does not disclose means for displaying scheduled recordings and scheduled reminders on a program guide screen.

Second Schein discloses an interactive TV program guide with a selection window displaying programs selected by the viewer. The selected programs are programs to be reminded and to be recorded by the IPG, as described in column 11, lines 54-67.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include an interactive TV program guide with a

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selection window displaying programs selected by the viewer, as disclosed by second Schein, to enable the viewer to review and revise his/her scheduled reminders and recordings.

Regarding claims 83, 166, 250, Lawler does not disclose means for displaying scheduled recordings and scheduled reminders on a program guide screen.

Second Schein discloses an interactive TV program guide with a selection window displaying programs selected by the viewer. The selected programs are programs to be reminded and to be recorded by the IPG, as described in column 11, lines 54-67. An example screen is shown in Figure 9E for all Favorites and Reminders. The screen also shows the time, and therefore, would enable the viewer to notice conflicts among selected programs.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include an interactive TV program guide with a selection window displaying programs selected by the viewer, as disclosed by second Schein, to enable the viewer to review and revise his/her scheduled reminders and recordings.

11. Claims 84, 167, 251 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler, in view of second Schein, and further in view of Kim U.S. Patent 6,058,242.

Lawler, in view of second Schein, does not disclose means for not displaying conflict between recordings and reminders if the system supports simultaneous watch and record.

Kim discloses an interactive program guide system for controlling simultaneous watching of one TV program and recording of another TV program using two tuners, wherein:

The interactive TV program guide is the broadcast program (BP) data downloaded into the interactive program guide equipment so that user can select programs for simultaneous viewing and recording, as described in column 3, lines 15-24, and column 4, lines 5-17.

The two tuners, one is dedicated to a TV set and the other is dedicated to a VCR, are shown in Figure 1 (110, 120), and described in column 2, lines 48-54.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler, in view of second Schein, to include an interactive program guide system for controlling simultaneous watching of one TV program and recording of another TV program using two tuners, as disclosed by Kim, to enable the viewer to schedule the reminder for one program and the recording for another program over two overlapping time slots, and then watch and record the two programs simultaneously, when they are available.

12. Claims 85, 168, 252 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler, in view of second Schein, and further in view of Alexander.

Lawler, in view of second Schein, does not disclose means for allowing the user to resolve conflicts between recordings and reminders.

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Alexander discloses an interactive TV program guide (IPG) for use in series recording, wherein means for allowing the user to resolve conflicts between recordings and reminders is described in column 13, lines 19-22.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include means for allowing the user to resolve conflicts between recordings and reminders, as disclosed by Alexander, to prevent the system running amok.

13. Claims 54, 137, 221 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler.

Lawler does not disclose means for displaying a reminder option on the recording options screen. Lawler, however, does disclose both a "Reminder" and a "Recording" screen.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lawler to include means for displaying a reminder option on the recording options screen to enable the viewer to set a recording reminder via the recording screen at the same time he/she is setting up the recording.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Florin U.S. Patent 5,594,509 discloses method and apparatus for audio-visual interface for the display of multiple levels of information on a display.

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LaJoie U.S. Patent 5,850,218 discloses inter-active program guide with default selection control.


Nishikawa U.S. Patent 6,348,932 discloses two different types of service in a menu.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert T Pham whose telephone number is 703-305-4810. The examiner can normally be reached on M-F 7:30-5; every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9700.

Robert Pham
August 22, 2002


ANDREW FAILE
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